Richard F. Ryan, et ux

Petitioners \* \* \* \* \* \* \* \* \* \* \*

The Petitioners herein request a variance from Section 1B02.3.c.1 to permit a lot width of 49.95 feet in lieu of the required 55 feet for Lots 184 and 185 of Oliver Beach for a proposed dwelling on Lot 184, in accordance with Petitioner's Exhibit 1.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners appeared and testified. Also appearing on behalf of the Petitioners was Ronald M. Jordan, Contract Purchaser of Lot 184. There were no Protestants.

Testimony indicated that the subject properties, known as 7339 and 7341 Greenbank Road, consist of approximately .34 acres total and are zoned D.R. 5.5. Said property is located within the Chesapeake Bay Critical Areas near the Gunpowder River and is also known as Lots 184 and 185 of Oliver Beach. Petitioners have entered into a contract to sell Lot 184 and seek the requested relief to permit construction of a single family dwelling thereon. Testimony indicated Petitioners purchased the subject properties several years ago as two individual lots with scparate tax account numbers. At that time Lot 185 was improved with a single family dwelling and Lot 184 was unimproved. Testimony indicated that Oliver Beach is an older subdivision which was established in approximately 1940 with 50-foot wide lots. Petitioners testified the relief requested will not only legitimize the existing development on Lot 185 but will also permit development of Lot 184 as originally intended. Petitioners testified that to deny the relief requested would unreasonably prevent the use of the property for a permitted purpose and that practical difficulty would result. Petitioners further testified that they have spoken with their neighbors who have no objections to their request. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based

- 2-

upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

> 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

2) Conserve fish, wildlife, and plant habitat; and

3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

. IS ORDERED by the Zoning Commissioner for Baltimore County this /~ Zoning Variance from Section 1B02.3.c.1 to permit a lot width of 49.95 feet in lieu of the required 55 feet for Lots 184 and 185 of Oliver Beach for a proposed dwelling on Lot 184, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated October 29, 1991, attached hereto and made a part hereof.

- 4-

Zoning Commissioner for Baltimore County

LES:bjs

Baltimore County Government Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

November 7, 1991

887-3353

Baltimore, Maryland 21220 RE: PETITION FOR ZONING VARIANCE S/S Greenbank Road, 165' W of the c/l of Susquehanna Road (7339 and 7341 Greenbank Road) 15th Election District - 5th Councilmanic District Richard F. Ryan, et ux - Petitioners

Case No. 92-119-A Dear Mr. & Mrs. Ryan:

Mr. & Mrs. Richard F. Ryan

7341 Greenbank Road

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

cc: Chesapeake Bay Critical Areas Commission Tawes State Office Building, D-4, Annapolis, Md. 21404 DEPRM

Mr. Ronald M. Jordan 704 Greenbank Road, Baltimore, Md. 21220

People's Counsel

File

Attorney's Telephone No.: \_\_\_\_\_\_

Petition for Variance

to the Zoning Commissioner of Baltimore County The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a 1803.3.61 Variance from Section (3045) To PERCLI LOI WIDIGS OF 49.91 INSTEAD OF 55' FOR LETS 187 AND 185.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) The subject property has been a separate let with separate tax bills since the subdivision was established. Since this is the ease most dwellings in the neighborhood are already on or ft wide lots, We purchased the subject Property with the intent of puriting but we need a variance from the noigh backed or surremance from the neighborhood or surremance from the neighborhood or surremance from the aesthetic value of the neighborhood or surremance. Property is to be posted and advertised as prescribed by Zoning Regulations. Properties.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract Purchaser/Lessee: Tordak Legal Owner(s): Jeanne M. Guter muth (daughter

704 GRECHANIC

Attorney for Pelitioner: (Type or Print Name)

> ESTIMATED LENGTH OF HEARING -1/2HR.
>
> AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. RICHARD FRANCIS 12 YIM RHONDA MICHELLE LYMN (PERRY) 1341 GREENBANK AD 335-2256 BALTIMOLE IND 21220 Name, address and phone number of legal owner, contract purchaser or representative to be contacted VIVIANC HAZEL 803 Peffe 10 893-0295

ZONING DESCRIPTION

BEGINNING AT A POINT ON THE SOUTH SIDE OF GREENBANK RD WHICH IS 30' WIDE AT THE DISTANCE WEST OF THE CENTERLINE OF SUSGRAHITHAN RD

WILLIAM AREA

BEING LOTS # 184 AND \$185 SECTION # A IN THE SUBDIVISION OF OLIVER BEACH AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #12 FOLIO# 56 CONTAINING 7493= SQ. Ft, EACH ALSO KNOWN AS 7339 AND 7341 GREEN BHAK ROAD AND LOCATED IN THE #15 ELECTION DISTRICT

92-119-19 CERTIFICATE OF POSTING DONING DEPARTMENT OF BALTIMORE COUNTY Richard Froncis Ryan et as Location of Signer Location bork Rd., uppos, 10' FT. 400 d Way, or

**CERTIFICATE OF PUBLICATION** THE AVENUE NEWS

Balto., MD. 21221	October 3	1

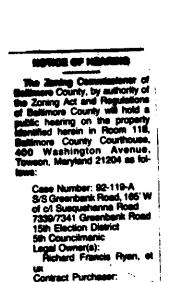
THIS IS TO CERTIFY, that the annexed advertisement of Ryan/Jordan/Autermuth in the matter of Zoning Hearing

of 7339/7341 Greenbank Rd. Case # 92-119-A P.O. #0115250, Req #M49749. 56 lines @.60 or \$33.60

was inserted	d in ${f T}$	he Aven	ue News a	weekly newspaper published in
				successive week(s)
before the _	4	_ day of _	October_	19_91_; that is to say, the
same was in	serted	d in the issu	<b>les of</b> Octo	ober 3 19 91 .

The Avenue Inc.





Variance: to permit lot width of 69.91 feet instead of 56 ft. for lots 184 and 185. LAWRENCE E. SCHMOT Zoning Commissioner of Beltimore County

# CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_ successive 

THE JEFFERSONIAN,

\$ 37.52

receipt

Account: R-001-6150

Baltimore County

Zoning Commission

County Office Building Zoning Commisioner County Office Building 111 West Chesopeake Avenue

**Cashier Validation** 

14304#011 HILLE MA 2012 多语程 3 14 91

Please Make Checks Payable To: Baltimore County

Zoning Plans Advisory Committe Coments Date:October 15, 1991 Page 2

Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

> Chairman Zoning Plans Advisory Committee

JED:jw Enclosures

cc: Mr. Ronald M. Jordan Ms. Jeanne M. Authermuth 704 Greenbank Road Baltimore, MD 21220

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Richard Francis Ryan 7341 Greenbank Road Baltimore, MD 2120

Ronald M. Jordan 704 Greenbank Road Baltimore, MD 21220

CASE NUMBER: 92-119-A S/S Greenbank Road, 165' W of c/l Susquehanna Road 7339/7341 Greenbank Road 15th Election District - 5th Councilmanic Legal Owner(s): Richard Francis Ryan, et ux Contract Purchaser: Ronald M. Jordan and Jeanne M. Autermuth HEARING: WEDNESDAY, OCTOBER 30, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$ 96.12 is due for advertising and posting of the above captioned

THIS PEE MUST BE PAID. ALSO, THE ZOMING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

BALTIMORE COUNTY, MARYLAND

111 West Chesapeake Avenue

Towson, MD 21204

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

887-3353

Your petition has been received and accepted for filing this 5th day of September, 1991.

Petitioner: Richard F. Ryan, et ux Petitioner's Attorney:

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

JEPTEMBER 20, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-119-A S/S Greenbank Road, 165' W of c/l Susquehanna Road 7339/7341 Greenbank Road 15th Election District - 5th Councilmanic Legal Owner(s): Richard Francis Ryan, et ux Contract Purchaser: Ronald M. Jordan and Jeanne M. Autermuth HEARING: WEDNESDAY, OCTOBER 30, 1991 at 2:00 p.m.

Variance to permit lot width of 49.91 feet instead of 55 ft. for lots 184 and 185.

Zoning Commissioner of Baltimore County

cc: Richard Francis Ryan Ronald M. Jordan, et al Viviane Haxel

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning 

111 West Chesapeake Avenue Towson, MD 21204

October 15, 1991

Mr. & Mrs. Richard F. Ryan

RE: Item No. 128, Case No. 91-119-A Petitioner: Richard F. Ryan, et ux Petition for Variance

887-3353

Dear Mr. & Mrs. Ryan:

7341 Greenbank Road

Baltimore, MD 21220

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related <u>only to the filing of future</u> zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

12 119-A 10 30

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: October 10, 1991

Mr. Arnold Jablon, Director

Office of Zoning Administration and Development Management

Rahee J. Famili SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: September 24, 1991

There are no comments for item numbers 118, 119, 121, 122, 123, 125, 126 and 128.

Traffic Engineer II

Baltimore County Government Fire Department

(301) 887-4500

SEPTEMBER 23, 1991

Arnold Jablon Director Zoning Administration and Development Management Paltimore County Office Puilding Towson, MD 21204

700 East Joppa Road Suite 901 Towson, MD 21204-5500

RE: Property Owner: PICHARD FRANCIS RYAN

#7339/7341 GREENBANK ROAD

Item No.: 128 Zoning Agenda: SEPTFMEER 24, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Special Inspection Division

JP/KEK

"their alidar

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

DATE: September 24, 1991 TO: Arnold Jablon, Director Zoning Administration and Development Management

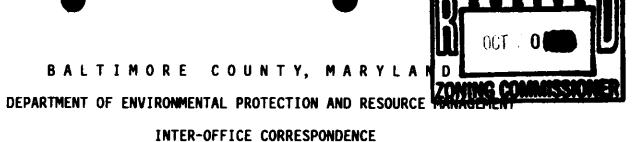
FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for September 24, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 118, 119, 120, 121, 122, 123, 125, 126 and

> ROBERT W. BOWLING, P.E. Chief Developers Engineering Division

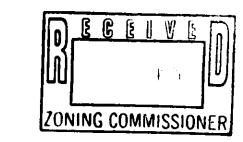
RWB:s



TO: Mr. Arnold Jablon, Director DATE: October 29, 1991 Office of Zoning Administration and Development Management

FROM: J. James Dieter, Director

SUBJECT: Petition for Zoning Variance - Item 128 Ryan Property Chesapeake Bay Critical Area Findings 92-119-A



### SITE LOCATION

The subject property is located at 7339 and 7341 Greenbank Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Richard F. and Rhonda M. Ryan

## APPLICANT PROPOSAL

scale: 1'=1000'

LOCATION INFORMATION

Chesapeake Bay Critical Area: 🔯 📋

Election District: 15

The applicant has requested a variance from section 1B02.3C.1 of the Baltimore County Zoning Regulations to permit lot widths of 49.91 feet instead of 55 feet for lots 184 and 185.

#### GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- 1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- 2. Conserve fish, wildlife and plant habitat; and
- 3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

Memo to Mr. Arnold Jablon October 29, 1991 Page 2

## REGULATIONS AND FINDINGS

- Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination" <Baltimore County Code Sec. 22-98>.
  - Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.
- Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-213(a)>.
  - Finding: There are no tidal waters, tidal wetlands, or tributary streams located on or within 100 feet of this property.
- Regulation: "If a parcel or lot one-half acre or less in size was in residential use or zoned for residential purposes on or before December 1, 1985, then man-made impervious surfaces associated with that use are limited to 25% of the parcel or lot" <Baltimore County Code, Section 22-217(e)(1)>.
- Finding: The property at 7341 Greenbank Road contains existing impervious area that covers approximately 38.2% of the lot, therefore, no additional impervious surface shall be permitted on this lot. The applicant proposes to build a new single family dwelling at 7339 Greenbank Road. The amount of impervious area shall not exceed 1872 square feet on this lot. This includes all building structures, paved and crusher-run driveways and parking pads, swimming pools, or any other impervious surface.
- Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland of at least 15%" <COMAR 14.15.02.04 C.(5)>.
  - Finding: The lot at 7339 Greenbank Road currently contains at least 15% tree cover. However, if any trees are removed as a result of construction, they shall be replaced, to ensure a continued minimum 15% tree cover.
- 5. Regulation: "The stormwater management system shall be designed so that infiltration of water is maximized throughout the site, rather then directing flow to single discharge points" <Baltimore County Code, Section 22-217(h)(2)>.

Memo to Mr. Arnold Jablon October 29, 1991 Page 3

Finding: Stormwater runoff from new impervious surfaces on the lot at 7339 Greenbank Road shall be directed to pervious areas to encourage maximum infiltration. Rooftop runoff shall be directed through down-spouts and into a drywell or dutch drain, to encourage maximum infiltration (see attached information).

#### CONCLUSION

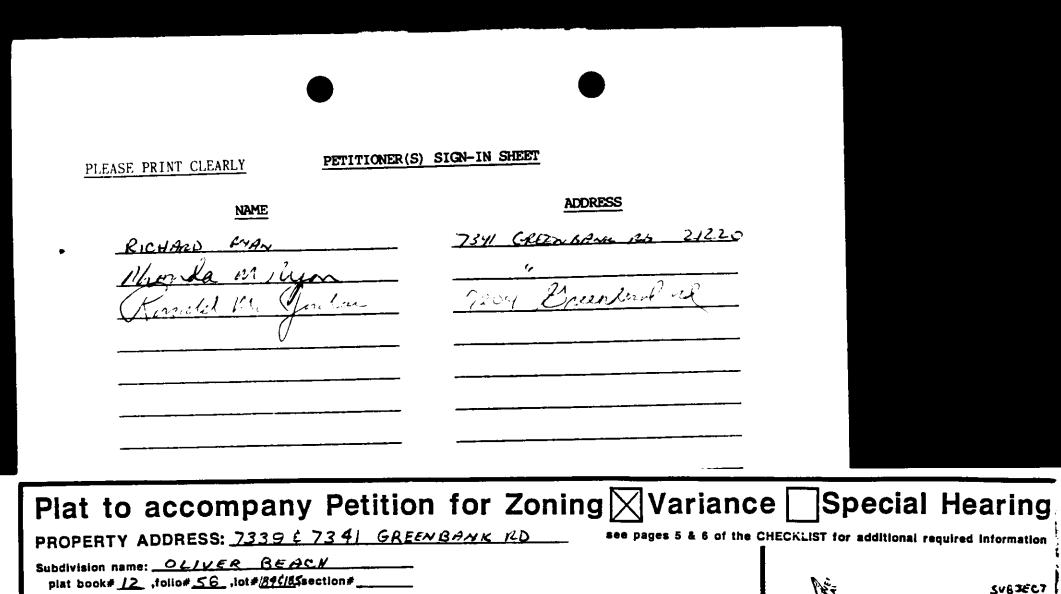
The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

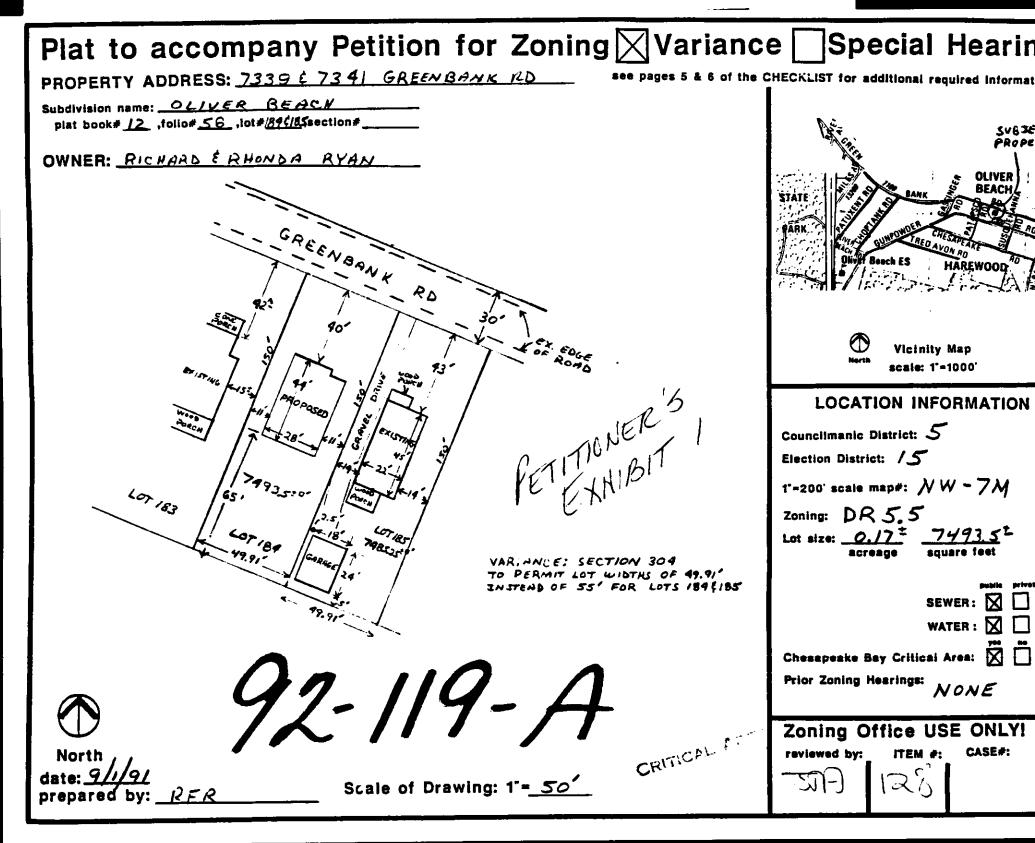


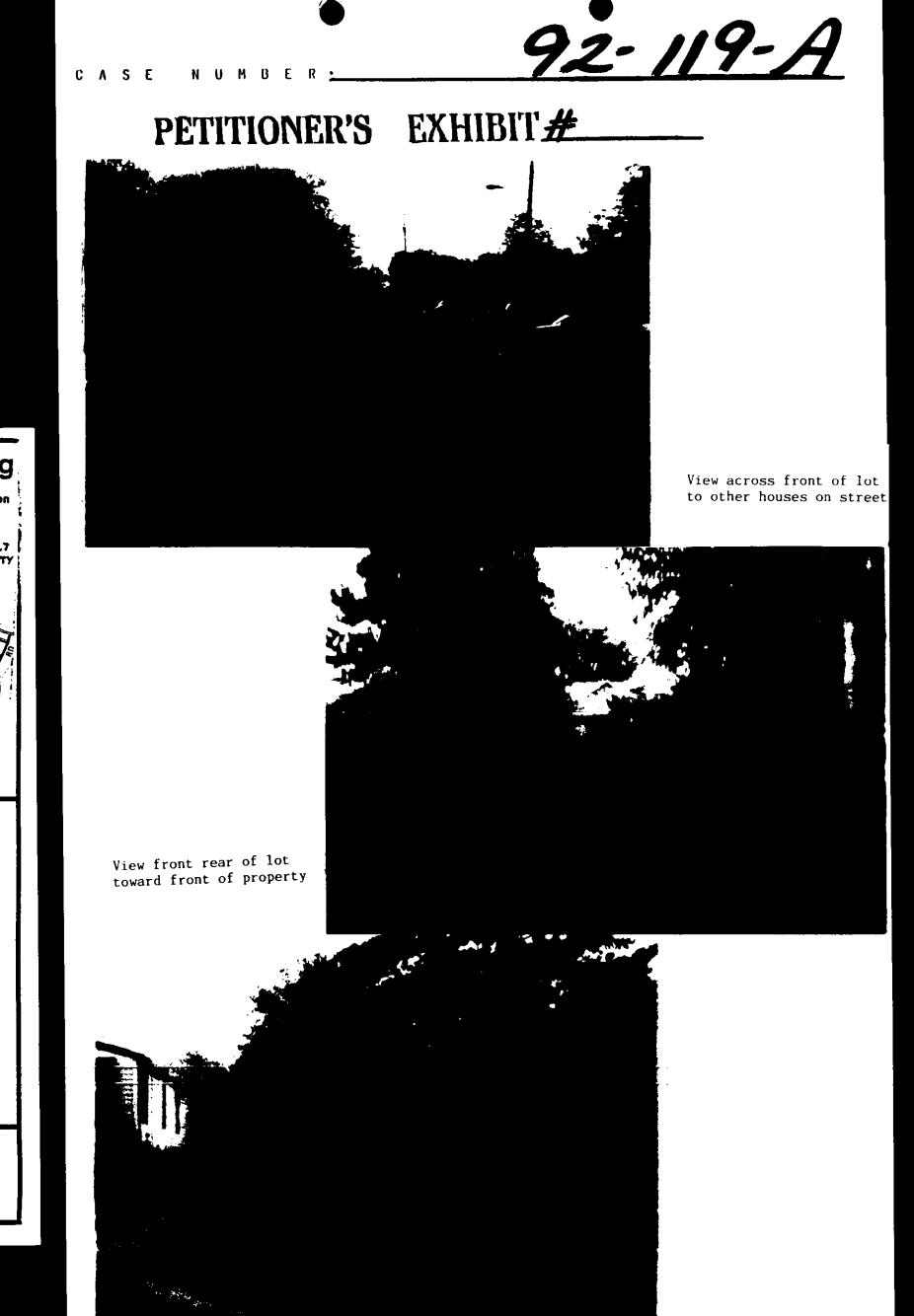
JJD:DCF:ju Attachment

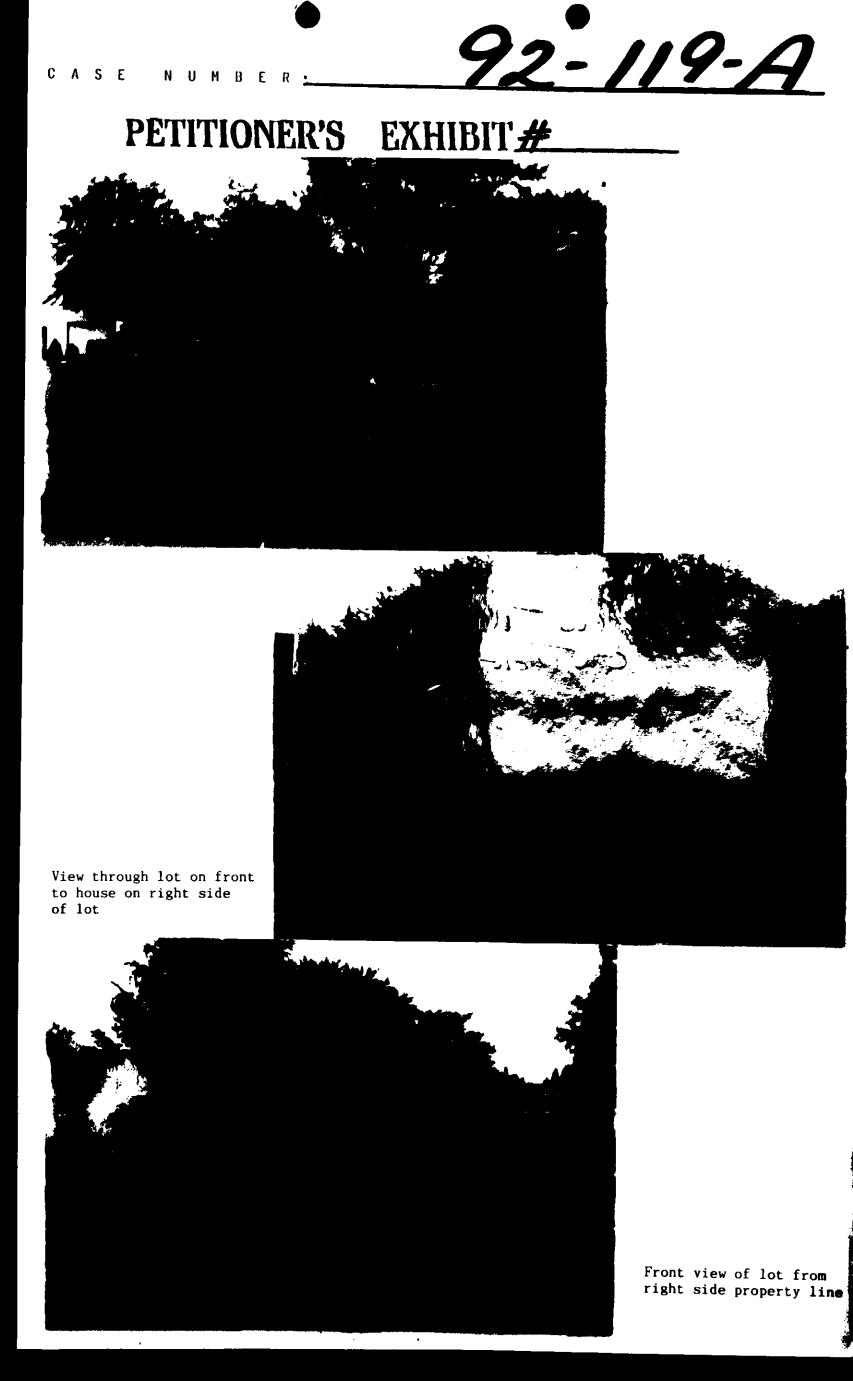
cc: Mr. and Mrs. Richard Ryan

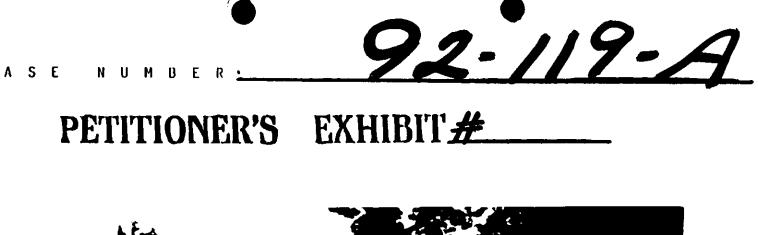
RYAN/TXTNSS













View of lot from property



